

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIC MILANO,

Plaintiff,

v.

DUNCAN, *et al.*,

Defendants.

Case No. 2:22-cv-00071-KJM-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH LOCAL RULES

RESPONSE DUE WITHIN TWENTY-ONE
DAYS

On December 29, 2022, defendants filed a motion to stay. ECF No. 23. Plaintiff has not filed a response.

In cases in which a party is incarcerated and proceeding without counsel, a responding party is required to file an opposition or statement of non-opposition not more twenty-one days after the date the motion is served. E.D. Cal. L.R. 230(l). Failure “to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” *Id.*

To manage its docket effectively, the court requires litigants to meet certain deadlines. The court may impose sanctions, including dismissal of a case, for failure to comply with court orders or local rules. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to

1 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*
2 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

3 Plaintiff will be given a chance to explain why the court should not dismiss the case for
4 his failure to timely file an opposition or statement of non-opposition to defendants' motion.
5 Plaintiff's failure to respond to this order will constitute a failure to comply with a court order and
6 will result in a recommendation that this action be dismissed. Accordingly, plaintiff is ordered to
7 show cause within twenty-one days why this case should not be dismissed for failure to prosecute
8 and for failure to comply with the court's local rules. Should plaintiff wish to continue with this
9 lawsuit, he shall, within twenty-one days, file an opposition or statement of non-opposition to
10 defendants' motion.

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12 IT IS SO ORDERED.

13 Dated: March 3, 2023

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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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